REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being added or amended.

Claims 1-12 are currently being canceled.

This amendment and reply cancels claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After canceling the claims as set forth above, claims 13 and 14 are pending in this application.

Claim Rejections – Indefiniteness and Non-Statutory Subject Matter:

In the Office Action, claims 1-12 were rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite, and under 35 U.S.C. § 101, for not setting forth any steps involved in a process, for the reasons set forth on page 2 of the Office Action. In reply, claims 1-12 have been canceled without prejudice or disclaimer, to thereby make these rejections moot.

Claim Rejections – Prior Art:

In the Office Action, claims 1-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0191572 to Weinstein et al. in view of U.S. Patent No. 7,139,270 to Fatehi et al. This rejection is traversed with respect to claims 13 and 14, for at least the reasons given below.

In its rejection of presently pending independent claims 1, 7 and 13, the Office Action correctly recognizes that Weinstein et al. does not teach using a processing method unique to each user, and each user is discriminated based on data of the processed parts such that none of the users is capable of intercepting payload data of any of other users currently accessing the predetermined access point. However, the Office Action incorrectly asserts that Fatehi et al. teaches these features.

In particular, independent claim 13 recites *assigning one of a plurality of data processing methods to the new user, the one of the plurality of data processing methods being*

different from other ones of the data processing methods that have been respectively assigned to other users currently accessing the predetermined access point, wherein none of the users currently accessing the predetermined access point is capable of intercepting data being uploaded by or downloaded to the new user, due to differences in payload processing with respect to the plurality of data processing methods assigned to each of the users.

Column 7, line 44 to column 8, line 8 of Fatehi, which is cited in the Office Action, merely describes that different traffic types are included in header information of a header section to allow processing of the different traffic types within a payload section, so as to facilitate routing of different traffic to different user nodes after being received at a destination network node servicing those destination user nodes. The fact that the payload section 202 for a user node carries a heterogeneous payload comprising information formatted according to one or more protocols says nothing about other user nodes having information in their respective payload sections formatted according to different protocols from any other user nodes. Rather, it seems to imply that these different user nodes share the same protocols in their payloads, and thus Fatehi teaches away from the features recited in claim 13.

Column 15, lines 47-65 of Fatehi, which is also cited in the Office Action, merely describes that n copies of payload contents corresponding to n units of traffic (e.g., packet or cell) are created and passed on, and thereby processed in later steps. Again, this portion of Fatehi states that n represents the number of different protocols that may be supported by various access networks and users connected to a core transport network, whereby this says nothing about each user having information in their respective payload sections formatted according to different protocols. Rather, it seems to imply that these different users share one or more of the n protocols in their payloads, and thus Fatehi teaches away from the features recited in claim 13.

Please note that a 'protocol' is a structure of how data is formatted (e.g., payload size and position, header size and position, etc.), and does not correspond to a data processing method for processing data. Thus, the Office Action's use of Fatehi's different protocols, as applied to claim 13, is incorrect in this sense as well.

Accordingly, independent claim 13 is patentable over the combined teachings of Weinstein and Lynn.

Furthermore, dependent claim 14 recites a step of determining which ones of the plurality of data processing methods are currently not assigned to any of the users and are thus

Furthermore, dependent claim 14 recites a step of determining which ones of the plurality of data processing methods are currently not assigned to any of the users and are thus available for assignment to the new user, as available data processing methods; and claim 14 also recites a step of <u>randomly assigning</u> one of the available data processing methods to the new user.

In its rejection of claim 14, the Office Action fails to address the "random assigning" feature at all, whereby neither Weinstein nor Fatehi teaches or suggests this feature. It is noted that the Office Action cites paragraphs 0043 and 0098 of Weinstein in its rejection of claims 3 and 9 and their recitation of "randomly selecting", but no discussion of any random selection of anything is described in paragraphs 0043 and 0098 of Weinstein. Rather, paragraph 0043 describes that a metropolitan access network such as a cable data system can be connected to Weinstein's system, and paragraph 0098 describes that fake identity attack can be deterred by using a per-packet authentication/encryption policy, using secure sockets.

Therefore, dependent claim 14 is patentable over the cited art of record for these additional reasons, beyond the reasons given above for its base claim 13.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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